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Clarkstown settles Black Lives Matter's civil rights lawsuit

Robert Brum The Journal News

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A civil rights lawsuit alleging that members of Black Lives Matter were intimidated and illegally surveilled by Clarkstown police has been settled for \$45,000.

The lawsuit filed in federal court in 2017 by five members of the activist group alleged racial profiling by the town's Police Department, then-Chief Michael Sullivan and former Sgt. Stephen Cole-Hatchard, who ran the department's Strategic Intelligence Unit.

Justice Nelson Roman had in November 2018 dismissed the plaintiffs' claims against Sullivan.

The town itself was also named in the legal action.

The lawsuit accused police of positioning snipers on rooftops during Black Lives Matter rallies, and charged the department's intelligence unit with conducting electronic surveillance on individual members. The group itself was placed into the same surveillance categories as "terrorism," "gangs" and "violence," according to documents.

The suit claimed violations of the First and Fourteenth Amendment rights of five members: Jerlyne Calixte and Dominique McGregor of Spring Valley; the Rev. Weldon McWiliams IV of Pomona; Vanessa Green of Woodbury; and Everett Newtown of Clarkstown.

The settlement was approved Jan. 23 by Roman.

The decision to settle the case was made by the town's insurance company without town support.

"The Town firmly objected to the settlement of this case," Town Attorney Thomas M. Mascola said Tuesday in a statement. "I am confident the Town would have prevailed in court. In fact, the agreed-to amount of \$45,000, which is to be split among five individual

plaintiffs and one organization inclusive of attorney's fees, reflects that it is purely a nuisance value settlement."

William O. Wagstaff, the plaintiffs' lawyer, stated: "Despite the Town's attempt to minimize the significance of this settlement, this case marks progress in the fight for a more inclusive society where all voices can be heard without the fear of retribution."

Wagstaff said that although First Amendment lawsuits filed by other Black Lives Matter chapters had been dismissed, "here, not only was the Town's motion to dismiss denied but we succeeded in forcing them to pay for the violation of my clients' Constitutional Rights, and for that we claim victory."

The lawsuit references allegations that police trained its surveillance on Supervisor George Hoehmann's social media posts to monitor support for Hoehmann's proposed review and reform of the police department; and also on perceived political enemies of the police department, including Sheriff Louis Falco and Town Justice Howard Gerber.

PROFILING: Clarkstown settles lawsuit for \$300K pending judge's OK

Wagstaff had represented members of another activist group, We The People, that reached a \$300,000 settlement with Clarkstown in a related case. That lawsuit, also made by the town's insurance company without town support, claimed the Strategic Intelligence Unit profiled its members for putting on a fundraising play, "A Clean Shoot," about a police officer being shot.

Both lawsuits drew upon information from the disciplinary case Hoehmann and the Town Board lodged against Sullivan that eventually led to his firing. The former chief has a pending lawsuit over his dismissal. Cole-Hatchard resigned but has a federal lawsuit pending against the town.

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